

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION NO. 04-12393JGD**

**TRICORE, INC.** :  
 :  
**VS.** :  
 :  
**SAFECO INSURANCE COMPANY OF** :  
**AMERICA and R.P. IANNUCCILLO** :  
**& SONS CONSTRUCTION CO.** :

**DEFENDANT, R.P. IANNUCCILLO & SONS CONSTRUCTION CO'S.**  
**MOTION FOR LEAVE TO FILE REPLY TO OPPOSITION TO**  
**MOTION TO AMEND CROSSCLAIM FILED BY ALL OTHER PARTIES**

Pursuant to Local Rule 7.1(b)(3) of the Local Rules of the United States District Court for the District of Massachusetts, the crossclaim-plaintiff, R.P. Iannuccillo & Sons Construction Co. ("RPI") respectfully moves for leave to file a reply memorandum to the opposition to motion to amend crossclaim filed by the crossclaim defendant, Safeco Insurance Company of America (payment and performance) ("Safeco") and plaintiff, Tricore, Inc. ("Tricore") on or about February 20, 2006. Good cause exists for the relief sought in this motion.

RPI seeks leave of the court to file its reply so that it can address and rebut arguments raised by Safeco and Tricore in their respective opposition memoranda. More specifically, RPI wishes to address the arguments raised by the other parties alleging neglect and delay in filing the motion to amend crossclaim. These argument are completely without merit and rely upon gross misrepresentations of RPI's amended crossclaim. RPI complains that Safeco's settlement with Tricore and demand for indemnification upon RPI are violative of M.G.L. Ch. 93A. Given that the putative settlement has not yet been finalized, it is absurd and illogical for the parties to oppose RPI's motion by suggesting RPI's claims are dilatory.

This is RPI's first request for the relief sought in this motion.

WHEREFORE, Crossclaim/Plaintiff, R.P. Iannuccillo & Sons Construction Co. respectfully requests that this court grant its motion for leave to file a reply to the opposition to the motion to amend crossclaim.

Defendant/Crossclaim Plaintiff  
***R.P. Iannuccillo & Sons Construction Co.***  
By its Attorneys:

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**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that a copy of the foregoing has been furnished by e-mail, or delivered electronically, this 27th day of February, 2006, to:

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